

According to a National Court Reporters Association survey of its members, average annual earnings for court reporters were \$61,830 in 1999.

### Related Occupations

A number of other workers type, record information, and process paperwork. Among these are secretaries and administrative assistants, medical transcriptionists, receptionists and information clerks, and human resources assistants, except payroll and timekeeping. Other workers who provide legal support include paralegals and legal assistants.

### Sources of Additional Information

State employment service offices can provide information about job openings for court reporters. For information about careers, training, and certification in court reporting, contact:

► National Court Reporters Association, 8224 Old Courthouse Rd., Vienna, VA 22182. Internet: <http://www.ncraonline.org> and <http://www.bestfuture.com>

► United States Court Reporters Association, 1904 Marvel Lane, Liberty, MO 64068. Internet: <http://www.uscra.org>

## Judges, Magistrates, and Other Judicial Workers

(O\*NET 23-1021.00, 23-1022.00, 23-1023.00)

### Significant Points

- A bachelor's degree and work experience are the minimum requirements for a judgeship or magistrate position; however, most workers filling these positions also have law degrees.
- Judges and magistrates should encounter competition for jobs.
- Demand for arbitrators, mediators, and conciliators is growing because of the high cost and long delays associated with litigation.

### Nature of the Work

Judges, magistrates, and other judicial workers apply the law and oversee the legal process in courts according to local, State, and Federal statutes. They preside over cases concerning every aspect of society, from traffic offenses to disputes over management of professional sports, or from the rights of huge corporations to questions of disconnecting life support equipment for terminally ill persons. All judicial workers must ensure that trials and hearings are conducted fairly and that the court administers justice in a manner which safeguards the legal rights of all parties involved.

The most visible responsibility of judges is presiding over trials or hearings and listening as attorneys represent the parties present. They rule on the admissibility of evidence and the methods of conducting testimony, and they may be called upon to settle disputes between opposing attorneys. Also, they ensure that rules and procedures are followed, and if unusual circumstances arise for which standard procedures have not been established, they determine the manner in which the trial will proceed based on their interpretation of the law.

Judges often hold pretrial hearings for cases. They listen to allegations and determine whether the evidence presented merits a trial. In criminal cases, judges may decide that persons charged with

crimes should be held in jail pending their trial, or they may set conditions for release. In civil cases, they occasionally impose restrictions upon the parties until a trial is held.

In many trials, juries are selected to decide guilt or innocence in criminal cases or liability and compensation in civil cases. Judges instruct juries on applicable laws, direct them to deduce the facts from the evidence presented, and hear their verdict. When the law does not require a jury trial or when the parties waive their right to a jury, judges decide the cases. In such cases, the judge determines guilt and imposes sentences in a criminal case; in civil cases, the judge awards relief—such as compensation for damages—to the parties in the lawsuit (also called litigants). Judges also work outside the courtroom, “in chambers.” In these, their private offices, judges read documents on pleadings and motions, research legal issues, write opinions, and oversee the court's operations. In some jurisdictions, judges also manage the courts' administrative and clerical staff.

Judges' duties vary according to the extent of their jurisdictions and powers. *General trial court judges* of the Federal and State court systems have jurisdiction over any case in their system. They usually try civil cases transcending the jurisdiction of lower courts and all cases involving felony offenses. Federal and State *appellate court judges*, although few in number, have the power to overrule decisions made by trial court or administrative law judges if they determine that legal errors were made in a case or if legal precedent does not support the judgment of the lower court. They rule on a small number of cases and rarely have direct contacts with litigants. Instead, they usually base their decisions on lower court records and lawyers' written and oral arguments.

Many State court judges preside in courts in which jurisdiction is limited by law to certain types of cases. A variety of titles are assigned to these judges, but among the most common are *municipal court judge*, *county court judge*, *magistrate*, or *justice of the peace*. Traffic violations, misdemeanors, small claims cases, and pretrial hearings constitute the bulk of the work of these judges, but some States allow them to handle cases involving domestic relations, probate, contracts, and other selected areas of the law.

*Administrative law judges*, sometimes called *hearing officers* or *adjudicators*, are employed by government agencies to make determinations for administrative agencies. They make decisions on a person's eligibility for various Social Security benefits or worker's compensation, protection of the environment, enforcement of health and safety regulations, employment discrimination, and compliance with economic regulatory requirements.

Arbitration, mediation, and conciliation—Appropriate Dispute Resolution (ADR)—are alternative processes that can be used to settle disputes between parties. All ADR hearings are private and confidential, and the processes are less formal than a court trial. If no settlement is reached using ADR, any statements made during the proceedings are inadmissible as evidence in any subsequent litigation.

During arbitration, opposing parties submit their dispute to one or more impartial persons, called arbitrators, for a final and binding decision. Arbitrators usually are attorneys or businesspersons with expertise in a particular field. The parties identify beforehand the issues to be resolved by arbitration, the scope of the relief to be awarded, and many of the procedural aspects of the process. Few awards are reviewed by the courts because the parties have agreed to be bound by the decision of their arbitrator, although in some cases, it is prearranged that the award will only be advisory. Mediation involves an attempt by the parties to resolve their dispute with the aid of a neutral third party, and generally is used when the parties wish to preserve their relationship. A mediator may offer suggestions, but resolution of the dispute rests with the parties.



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themselves. Mediation proceedings are also confidential and private. If the parties can't reach a settlement, they are free to pursue other options. The parties usually decide in advance how they will contribute to the cost of mediation.

Conciliation is similar to mediation. The conciliator's role is to guide the parties to a settlement. The parties must decide in advance whether they will be bound by the conciliator's recommendations for settlement. The parties generally share equally in the cost of the conciliation.

### **Working Conditions**

Judges, magistrates, and other judicial workers do most of their work in offices, law libraries, and courtrooms. Work in these occupations presents few hazards, although sitting in the same position for long periods of time while in the courtroom can be tiring. Most judges work a standard 40-hour week, but many work over 50 hours per week. Some judges with limited jurisdiction are employed part time and divide their time between their judicial responsibilities and other careers.

Arbitrators, mediators, and conciliators usually work in private offices or meeting rooms; no public record is made of the proceedings.

### **Employment**

Judges, magistrates, and other judicial workers held 43,000 jobs in 2000, primarily in State and local government. Of these, administrative law judges, adjudicators, and hearing officers held about 14,000 jobs; about two-thirds worked in State governments, one-fourth in the Federal Government, and the remainder in local governments. Arbitrators, mediators, and conciliators held another 4,400 jobs, mostly in legal services and State and local governments, although a small number worked in labor organizations.

### **Training, Other Qualifications, and Advancement**

A bachelor's degree and work experience are usually the minimum requirement for a judgeship or magistrate position. A number of lawyers become judges, and most judges have first been lawyers. In fact, Federal and State judges usually are required to be lawyers. About 40 States allow nonlawyers to hold limited jurisdiction judgeships, but opportunities are better for those with law experience. Federal administrative law judges must be lawyers and pass a competitive examination administered by the U.S. Office of Personnel Management. Some State administrative law judges and other hearing officials are not required to be lawyers.

Federal administrative law judges are appointed by various Federal agencies, with virtually lifetime tenure. Federal magistrate judges are appointed by district judges—the life-tenured Federal judges of a district court—to serve in a United States district court for a period of eight years. Some State judges are appointed, and the remainder are elected in partisan or nonpartisan State elections. Many State and local judges serve fixed renewable terms, which range from 4 or 6 years for some trial court judgeships to as long as 14 years or life for other trial or appellate court judges. Judicial nominating commissions, composed of members of the bar and the public, are used to screen candidates for judgeships in many States and for some Federal judgeships.

All States have some type of orientation for newly elected or appointed judges. The Federal Judicial Center, American Bar Association, National Judicial College, and National Center for State Courts provide judicial education and training for judges and other judicial branch personnel. General and continuing education courses usually last from a couple of days to 3 weeks in length. More than half of all States, as well as Puerto Rico, require judges to enroll in continuing education courses while serving on the bench.

Training and education requirements for arbitrators, mediators, and conciliators differ from those of judges. Mediators who practice in State- or court-funded mediation programs usually must meet specific training or experience standards, which vary by State and court. In most States, individuals who offer private mediation services do not need a license, certification, or specific coursework. In reality, however, many private mediators and most of those affiliated with mediation organizations and programs have completed mediation training and agreed to comply with certain ethical standards. For example, the American Arbitration Association (AAA) requires mediators listed on its mediation panel to complete an AAA training course, receive recommendations from the trainers, and successfully complete an apprenticeship.

Training for arbitrators, mediators, and conciliators is available through independent mediation programs, national and local mediation membership organizations, and postsecondary schools. In 1998, 13 colleges or universities in the United States offered master's degrees in dispute resolution or conflict management, and 2 offered doctoral degrees. Many more schools offer conflict-management specializations within other degree programs. Degrees in public policy, law, and related fields also provide good background for prospective arbitrators, mediators, and conciliators.

### **Job Outlook**

Employment of judges and magistrates is expected to grow more slowly than the average through 2010. As in the past, most job openings will arise as judges retire.

Contradictory social forces affect the demand for judges. Growing public concerns about crime, safety, and efficient administration of justice should spur demand, while public budgetary pressures will limit job growth. Caseload filings—a good indicator of the demand for the services of judges—are steadily increasing in both the Federal and State court systems. Not only has the quantity of work increased, but many cases have become more complex because of developments in information technology, medical science, e-commerce and globalization. The prestige associated with serving on the bench should ensure competition for judges and magistrates. Becoming a judge will be difficult because not only must judicial candidates compete with other qualified people, they often must also gain political support in order to be elected or appointed.

Employment of arbitrators, mediators, and conciliators is expected to grow faster than the average for all occupations through 2010. Many people try to avoid litigation, which can involve lengthy

delays, high costs, unwanted publicity, and ill will. Arbitration and other alternative processes to litigation usually are faster, less expensive, and more conclusive, spurring demand for the services of arbitrators, mediators, and conciliators.

Earnings

Judges, magistrate judges, and magistrates had median annual earnings of \$86,760 in 2000. The middle 50 percent earned between \$42,780 and \$113,410. The top 10 percent earned more than \$134,660, while the bottom 10 percent earned less than \$19,320. Administrative law judges, adjudicators, and hearing officers earned a median of \$61,240, and arbitrators, mediators, and conciliators earned a median of \$43,060. Median annual earnings in the industries employing the largest numbers of judges, magistrate judges, and magistrates in 2000 were as follows:

State government .....	\$104,560
Local government .....	50,150

According to the Administrative Office of the U.S. Courts, the Chief Justice of the United States Supreme Court earned \$186,300, and the Associate Justices earned \$178,300. Federal district court judges had salaries of \$145,100 in 2001, as did judges in the Court of Federal Claims and the Court of International Trade; court of appeals judges earned \$153,900 a year. Federal judges with limited jurisdiction, such as magistrates and bankruptcy court judges, had salaries of \$133,500.

According to a survey by the National Center for State Courts, annual salaries of associate justices of States' highest courts averaged \$116,200 in 2000, and ranged from about \$85,550 to \$153,100. Salaries of State intermediate appellate court judges averaged \$114,280, and ranged from \$86,000 to \$147,000. Salaries of State judges of general jurisdiction trial courts averaged \$104,400, and ranged from \$77,500 to \$136,700.

Most salaried judges are provided health and life insurance, and contributions are made on their behalf to retirement plans.

Related Occupations

Legal training and mediation skills are useful in many other occupations. Some of these are counselors; lawyers; paralegals and legal assistants; title examiners, abstractors, and searchers; law clerks; and detectives and criminal investigators.

Sources of Additional Information

Information on judges, magistrates, and other judicial workers may be obtained from:

- National Center for State Courts, 300 Newport Ave., Williamsburg, VA 23185. Internet: <http://www.ncsconline.org>

Information on arbitrators, mediators, and conciliators may be obtained from:

- American Arbitration Association, 335 Madison Ave., Floor 10, New York, NY 10017. Internet: <http://www.adr.org>

Lawyers

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Significant Points

- Formal educational requirements for lawyers include a 4-year college degree, 3 years in law school, and successful completion of a written bar examination.
- Competition for admission to most law schools is intense.

Nature of the Work

The legal system affects nearly every aspect of our society, from buying a home to crossing the street. Lawyers form the backbone of this vital system, linking it to society in myriad ways. For this reason, they hold positions of great responsibility and are obligated to adhere to a strict code of ethics.

*Lawyers*, also called *attorneys*, act both as advocates and advisors in our society. As advocates, they represent one of the parties in criminal and civil trials by presenting evidence and arguing in court to support their client. As advisors, lawyers counsel their clients concerning their legal rights and obligations, and suggest particular courses of action in business and personal matters. Whether acting as an advocate or advisor, all attorneys research the intent of laws and judicial decisions and apply the law to the specific circumstances faced by their client.

The more detailed aspects of a lawyer's job depend upon his or her field of specialization and position. While all lawyers are licensed to represent parties in court, some appear in court more frequently than others. Trial lawyers, who specialize in trial work, must be able to think quickly and speak with ease and authority. In addition, familiarity with courtroom rules and strategy are particularly important in trial work. Still, trial lawyers spend the majority of their time outside the courtroom conducting research, interviewing clients and witnesses, and handling other details in preparation for trial.

Lawyers may specialize in a number of different areas, such as bankruptcy, probate, international, or elder law. Those specializing in environmental law, for example, may represent public interest groups, waste disposal companies, or construction firms in their dealings with the U.S. Environmental Protection Agency (EPA) and other Federal and State agencies. They help clients prepare and file for licenses and applications for approval before certain activities may occur. In addition, they represent clients' interests in administrative adjudications.

Some lawyers concentrate in the growing field of intellectual property. These lawyers help protect clients' claims to copyrights, art work under contract, product designs, and computer programs. Still other lawyers advise insurance companies about the legality of insurance transactions. They write insurance policies to conform with the law and to protect companies from unwarranted claims. When claims are filed against insurance companies, they review the claims and represent the companies in court.

The majority of lawyers are found in private practice, where they concentrate on criminal or civil law. In criminal law, lawyers represent individuals who have been charged with crimes and argue their cases in courts of law. Attorneys dealing with civil law assist clients with litigation, wills, trusts, contracts, mortgages, titles, and leases. Other lawyers handle only public interest cases—civil or criminal—which may have an impact extending well beyond the individual client.

Lawyers are sometimes employed full time by a single client. If the client is a corporation, the lawyer is known as "house counsel," and usually advises the company concerning legal issues related to its business activities. These issues might involve patents, government regulations, contracts with other companies, property interests, or collective bargaining agreements with unions.

A significant number of attorneys are employed at the various levels of government. Lawyers who work for State attorneys general, prosecutors, public defenders, and courts play a key role in the criminal justice system. At the Federal level, attorneys investigate cases for the U.S. Department of Justice and other agencies. Government lawyers also help develop programs, draft and interpret laws and legislation, establish enforcement procedures, and argue civil and criminal cases on behalf of the government.

Other lawyers work for legal-aid societies—private, nonprofit organizations established to serve disadvantaged people. These